

EASTERN DIVISION

Plaintiff, MATTHEW F. ABBOTT (“plaintiff”), by and through his counsel, **KENNETH J. ALLEN & ASSOCIATES, P.C.**, files his application for request for international assistance to the court, and hereby requests that this Court request the appropriate Judicial Authority in Austria to assist in obtaining service of process on Defendants, STARLINGER & COMPANY Gesellschaft m.b.H (herein “Starlinger”) and MAPLAN MASCHINEN und TECHNISCHE (herein “Maplan”) (collectively, “the Austrian defendants”). For his application, Plaintiff states:

1. This cause is a product liabilities action wherein the Austrian defendants were the manufacturer of a Maplan Moulding Machine (herein "the machine"), which was sold or otherwise distributed to Plaintiff and Plaintiff's employer, NISCO, in an unreasonable dangerous, defective condition, and that the machine was unsafe and was not reasonably fit for its intended use. While using the machine in its intended use, Plaintiff suffered serious and permanent injuries when the machine caught, burned, and traumatically amputated Plaintiff's fingers on his dominant hand, as well as other injuries and damage sustained by the Plaintiff.

2. Plaintiff has thus far been unable to serve the Austrian defendants with process pursuant to Federal Rule of Civil Procedure 4.

3. It is Plaintiff's understanding that Starlinger can presently be served at the following address:

Starlinger & Company Gesellschaft mbH
Sonnenuhrgasse 4
A-1060 Vienna
Austria

4. It is Plaintiff's understanding that Maplan can presently be served at the following address:

Maplan Maschinen und technische
Schoellergasse 9
A-2640 Ternitz
Austria

5. It is necessary for Plaintiff to serve process on the Austrian defendants in order to effectuate Plaintiff's rights and seek appropriate resolution in this matter.

6. A request from this Court will substantially aid the Plaintiff in serving the Austrian defendants in accordance with laws of the United States and International laws and treaties, as well as the Federal Rules of Civil Procedure. Plaintiff respectfully requests that the Court issues requests to the appropriate Judicial Authority in Austrian to assist in the service of process on the Austrian Defendants and request that the individual effectuating the process on the Austrian defendants execute a certificate of service, and return it, together with copy of the documents served, to Northern District of Illinois, Eastern Division.

7. Attached as Exhibit 2 are copies of the Request for International Assistance Plaintiff desires to have issued. Plaintiff respectfully requests that these separate requests be issued, and that said requests are stamped with an Official Court Seal, ink stamped or raised, so as to certify the requests authenticity with the appropriate Austrian authorities.

8. Plaintiff stands ready to reimburse the appropriate individuals and Austrian authorities for all expenses incurred in executing the requests for judicial assistance.

WHEREFORE, Plaintiff MATTHEW F. ABBOTT respectfully requests that this Court issue the separate Requests for International Assistance, attached as Exhibit 2,

with an official seal by the court in order to assist Plaintiff in serving process on Defendants, STARLINGER & COMPANY Gesellschaft m.b.H and MAPLAN MASCHINEN und TECHNISCHE, and for all other relief which is just and proper.

Respectfully submitted,

KENNETH J. ALLEN & ASSOCIATES, P.C.
Attorneys for Plaintiff

s/ Bryan L. Bradley

Bryan L. Bradley



Refer to Office Indicated

☒ ALLEN LAW BUILDING
1109 Glendale Boulevard
Valparaiso, IN 46383

219.465.6292

☐ CHASE BANK CENTER
8585 Broadway, 8th Floor
Merrillville, IN 46410

219.736.6292

☐ CHARTER ONE BANK
17450 South Halsted St.
Homewood, IL 60430

708.799.6292

☐ SMURFIT-STONE BUILDING
150 North Michigan Ave.
Chicago, IL 60606

312.236.6292

Service List

Matthew Abbott v. Starlinger North America, Inc., et al.
No. 1:08 CV 642

Attorneys for Defendants

David W. Clark
Peregrine, Stime, Newman, Ritzman & Bruckner, Ltd.
221 East Illinois Street
Wheaton, IL 60187